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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,018	07/31/2003	Kevin McPartlan	NUASI-00106	4722
29053 7590 05/28/2008 FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				
EXAMINER				
WINDER, PATRICE L				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/633,018

**Applicant(s)**

MCPARTLAN ET AL.

**Examiner**

Patrice Winder

**Art Unit**

2145

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 16 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 17-27, 29-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-9, 11-15, 17, 19-21, 23-27, 29, 31-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., USPN 6,763,333 B2 (hereafter referred to as Jones) in view of Brown et al., US 2003/0074270 A1 (hereafter referred to as Brown).

3. Regarding claims 1, 13, 25, Jones taught a method of escalating non-realtime customer communications in a contact center (abstract), the method comprising:

receiving said customer communications from customers, in a plurality of shared file folders, said shared file folders configured in a central processing area of the contact center (column 6, lines 35-46);

designating at least one of said customer communications as aged based on a set of predetermined escalation criteria (predefined alert criteria, column 5, lines 42-48; column 12, lines 29-31);

extracting the aged customer communication from the plurality of shared file folders (column 11, lines 32-41),

routing the aged customer communication with an escalation service to an immediate workflow such that the aged customer communication is routed by the immediate workflow for immediate response to a first designated agent (column 11, lines 41-48; column 12, lines 24-29);

presenting an alert communication to the first designated agent such that the alert communication is displayed on a desktop of the first designated agent (column 12, lines 9-16; column 15, lines 19-22). Jones does not specifically teach the alert communication is the aged customer communication. However, Brown taught the alert communication includes an aged customer communication (paragraph 15). Brown taught the method for escalating an aged customer communication includes the step of responding to the aged customer communication

wherein the first designated agent answers the aged customer communication on the desktop (recording corrective action in data field 78, paragraph 16),

wherein the escalation service escalates an immediate customer communication to the immediate workflow for routing to the first designated agent (applying the escalation rules to determine service personnel, paragraph 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Brown's customer communication including the alert communication in Jones' system for escalating trouble tickets would have improved responsiveness. The motivation would have been to include the trouble ticket information in the communication so that the service personnel assigned to respond to the communication can make better decisions on the right corrective action.

4. Regarding dependent claims 2, 14, 26, Jones taught the desktop includes a visual indicator, further wherein the visual indicator includes an expiration time for the aged customer communication in the plurality of shared file folders (content of X Windows display includes ticket duration field, column 12, lines 2-6).

5. Regarding dependent claims 3, 15, 27, Jones taught the customer communication is designated as immediate based on the set of predetermined escalation criteria before the communication becomes aged (column 11, lines 30-31; column 14, lines 7-10).

6. Regarding dependent claims 5, 17, 29, Jones taught monitoring the aged customer communication displayed on the first designated agent's desktop, wherein when the first designated agent does not answer the aged customer communication, the immediate workflow routes the aged customer communication to a second designated agent (increased to higher level of management, column 11, lines 42-48).

7. Regarding dependent claims 7, 19, 31, Jones taught prompting the first designated agent when the step of responding does not occur within the predetermined timeout period after the step of presenting (timeout period = end, column 9, lines 53-57; column 11, lines 46-48; column 14, lines 8-10).
8. Regarding dependent claims 8, 20, 32, Jones taught the aged customer communication is routed to the second designated agent after the prompting step is unanswered by the first designated agent (unanswered = unresolved, column 11, lines 65-67; column 12, lines 1-6).
9. Regarding dependent claims 9, 21, 33, Jones taught the aged customer communication is routed to the second designated agent after the first designated agent answers the prompting step by declining to respond to the aged customer communication (declining to respond = leaving unresolved, column 11, lines 46-48).
10. Regarding dependent claims 11, 23, 35, Jones taught the first and second designated agents may select non-real-time customer communications from the plurality of shared file folders that are not designated as aged (column 6, lines 46-49), and further wherein the first and second designated agents respond to those non-real-time customer communications not designated as aged (column 6, lines 46-49).
11. Regarding dependent claims 12, 24, 36, Jones taught an agent is designated based on a set of predetermined designation criteria (column 11, lines 39-41; column 14, lines 15-17, 29-31).
12. Regarding claim 37, Jones taught an apparatus for escalating non-real-time customer communications in a contact center (alerting system, abstract), comprising:

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a. a storage media for storing a computer application (column 6, lines 7-14);

b. a processing unit coupled to the storage media (column 6, lines 7-14); and

c. a user interface coupled to the processing unit such that a plurality of users can receive an aged customer communication from an immediate workflow through an escalation service (column 6, lines 35-53), and further wherein the immediate workflow can receive an immediate alert communication from the escalation service for routing to the plurality of users (column 11, lines 42-48; column 12, lines 19-28; column 14, lines 27-43). Jones does not specifically teach the plurality of users can provide an immediate response to the aged customer communication. However, Brown taught an alert communication including a customer communication and a plurality of users can provide an immediate response to the aged customer communication (paragraph 15). For motivation for combination see claim 1, above.

13. Claims 6, 10, 18, 22, 30, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Brown as applied to claims 1, 5, 13, 17, 25 and 29 above, and further in view of in view of Pickering et al., USPN 6,493,695 B1 (hereafter referred to as Pickering).

14. Regarding dependent claims 6, 18, 30, Jones-Brown does not specifically teach sending an acknowledgement message. However, Pickering taught sending an acknowledgement message when the first and second designated agents are unavailable (agent characteristics includes availability, column 8, lines 2-6; column 9, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Pickering's acknowledgements in Jones-Brown's

system for escalating trouble tickets would have improved robustness. The motivation would have been reduce delay by alerting the system that the agents are unavailable.

15. Regarding dependent claims 10, 22, 34, Pickering changing predetermined escalation criteria during the responding step (column 9, lines 60-63).

***Allowable Subject Matter***

16. Claims 4, 16 and 28 allowed.

17. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest the escalation service checks a present threshold for a maximum number of immediate workflows and delays escalating the communications designated as immediate until the number of immediate workflows is below the threshold as copied from the prior office action mailed on December 13, 2007.

18. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

19. Applicant's arguments filed February 21, 2008 have been fully considered but they are not persuasive.

20. Applicant argues – "In Jones, the time taken to properly address a trouble ticket is monitored so that appropriate alerts may be sent to management. See Abstract; col.



1, lines 56 - 60. Jones, however, does not disclose that a customer communication is ever designated as aged."

a. The trouble tickets include an age field that is used to determine whether an alert is generated (column 9, lines 53-60). The alerts are generated after the corresponding customer communications have remained unresolved for predefined period of time (see column 11, lines 32-41). Brown taught alert communications that include the aged customer communication.

21. Applicant argues – "Jones merely discloses that information from the customer is used to generate a trouble ticket. Jones does not disclose extracting and routing of the customer communication, as required in claim 1. Jones, therefore, does not teach the similar limitations in claims 13 and 25."

b. Jones taught extracting and routing the trouble tickets using the PUMBA manager modules which flags aged tickets and then routes those aged tickets to the alerting system, see column 20, lines 19-28.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/  
Primary Examiner, Art Unit 2145

May 20, 2008